

REMARKS

The Official Action mailed December 29, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on July 24, 2003. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-21 were pending in the present application prior to the above amendment. Claims 2, 4, 6, 8, 10 and 12-18 have been withdrawn from consideration by the Examiner. Accordingly, claims 1, 3, 5, 7, 9, 11 and 19-21 are currently elected, of which claims 1, 3 and 5 are independent. Claims 1, 3 and 5 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 6 of the Official Action rejects claims 1, 3, 5, 7, 9, 11 and 19-21 as obvious based on the combination of U.S. Patent No. 6,333,493 to Sakurai et al. and U.S. Patent No. 6,105,274 to Ballantine et al. Paragraph 7 of the Official Action rejects claims 1 and 7 as obvious based on U.S. Patent No. 5,444,217 to Moore et al. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1 and 5 have been amended to recite that a lamp light source is turned on and radiation from the lamp light source is held for 0.1 to 20 seconds at a time, while supply of a coolant is kept, which is supported in the specification at page 9, lines 11-12, at page 13, lines 24-26, and in Figure 2 (reproduced below).

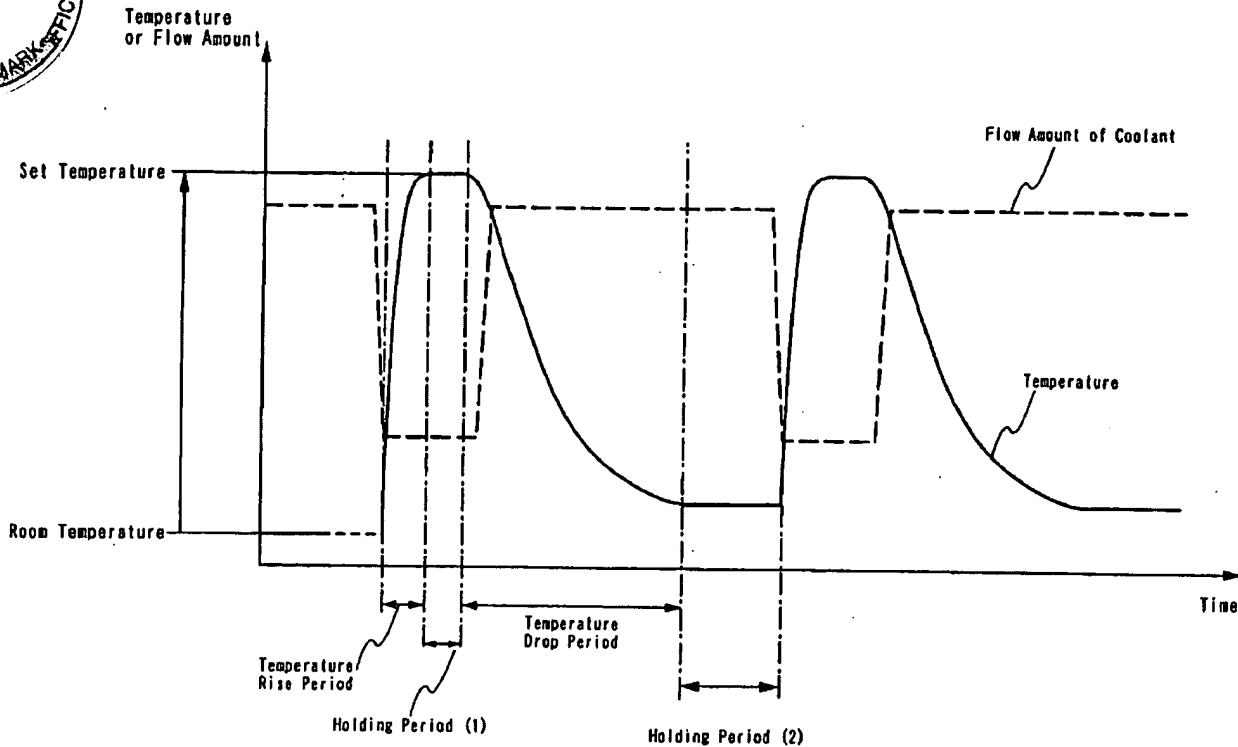


Fig. 2

Similarly, independent claim 3 has been amended to recite that radiation from a lamp light source is repeated several times, while supply of a coolant is kept.

Sakurai appears to disclose turning off a lamp light source and cooling an object, Ballantine appears to disclose holding an object in a processing chamber filled with a coolant, and Moore appears to disclose holding a treatment object in a processing chamber filled with a coolant for cooling the treatment object and reducing an amount of the coolant. However, the prior art, either alone or in combination, do not teach or suggest turning a lamp light source on while keeping a supply of a coolant.

Since Sakurai, Ballantine and Moore do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Official Action provisionally rejects claims 1, 3, 5, 7, 9, 11 and 19-21 under the doctrine of obviousness-type double patenting over claims 13-28 of co-pending Application Serial No. 10/001,197. In response, the Applicant respectfully requests that the double patenting rejections be held in abeyance until an indication of allowable subject matter is made in either the present application or the copending application. At such time, the Applicant will respond to any remaining double patenting rejections.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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